

**IN THE DRAWINGS**

A replacement sheet for Figures 6, 15, 17, and 18 are submitted herewith.

### **REMARKS**

The Applicants thank the Examiner for the interview conducted on August 2, 2007, during which the present invention, the cited art, and possible claim amendments were discussed.

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1 and 2 have been amended, and claims 3-23 have been added. No new matter has been added. Thus, claims 1-23 are currently pending in the application and subject to examination.

In the Office Action dated May 7, 2007, claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,760,769 to Jayam et al. ("Jayam"). It is noted that claims 1 and 2 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection as follows.

The Applicants submit that Jayam does not disclose or suggest a method of offering preferred transport in a network, the method including at least receiving an indication of transport parameters in the network, the indication being associated with the content of a content transmission, as recited in amended claim 1.

For at least this reason, the Applicants submit that amended claim 1 is allowable over Jayam. As claim 1 is allowable, the Applicants submit that claims 3-13, which depend from allowable claim 1, are therefore also allowable.

The Applicants submit that Jayam similarly does disclose or suggest a transmission device comprising a data receiver configured at least to receive a first part

of a content transmission and an indication of transport parameters associated with the content of the content transmission in a network, as recited in amended claim 2.

For at least this reason, the Applicants submit that amended claim 2 is allowable over the cited art. As claim 2 is allowable, the Applicants submit that claims 14-23, which depend from allowable claim 2, are therefore also allowable.

### **CONCLUSION**


For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into condition for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 026215-00001.

Respectfully submitted,

Arent Fox LLP

A handwritten signature in black ink, appearing to read 'Sheree Rowe', is written over the printed name.

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